

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**June 6-10, 2005**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-6	EX	76468706	Aristocrat Technologies, Inc.	Quinn Hairston* Bucher	2(e)(1)	Refusal Affirmed		"PENNY JACKPOTS" [gaming devices, namely, gaming machines and associated software for use therewith, to enable the gaming machine to run]		Loughran	No
6-7	EX	76487220	Global Mentoring Solutions, Inc.	Hohein* Walters Rogers	2(e)(1)	Refusal Affirmed		"REAL TIME MENTORING" [training services in the field of computer applications and technical training for businesses via the Internet]		McCauley	No
6-8	EX	76479059	Roth Kase U.S.A. Ltd.	Hohein Grendel* Rogers	2(d)	Refusal Reversed		"ICEBERG" [cheese]	"ICEBERG DRIVE INN" [restaurant services]	Ervin	No
6-8	EX	76301434	OGS Technologies, Inc.	Seeherman Chapman* Bucher	whether applicant's mark has acquired distinctiveness and is, therefore, registrable under Section 2(f)	Refusal Affirmed		"SUPERIOR QUALITY" [buttons for clothes]		Dawe	No
6-8	OPP	91125510	Industria Colombiana de Café S.A. v. Hena, Inc.	Seeherman Grendel* Zervas	2(d)	Opposition Sustained	"COLCAFE" [instant coffee; ground coffee and roasted coffee beans]	"CALCAFE" (and design) [coffee]			No
6-10	EX	76378707	Ocusoft, Inc.	Seeherman Hanak Hairston*	2(e)(1)	Refusal Reversed		"NIGHT & DAY" [ophthalmic lubricant in the form of gels, solutions, drops and ointments for the eyes]		Cofield	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**June 6-10, 2005 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-10	EX	75899157	Monster Cable Products, Inc.	Walters Grendel Drost*	whether applicant's specimens show that the matter applicant seeks to register functions as a mark for its recited services	Refusal Affirmed		"MONSTERS LIVE FOREVER" [distributorship services featuring replacement products for power conditioning devices and electrical and electromagnetic cables and connectors]		Cofield	No
6-10	EX	78147904	Nostalgia Network, Inc.	Chapman Holtzman Drost*	2(e)(1); whether applicant's specimens show service mark use of its mark in commerce	Refusal Affirmed on both grounds		"EMBASSY CHEFS" [entertainment services, namely, providing television programs in the field of culture and cuisine broadcast over television, satellite, audio and video media]		Gaskins	No
6-10	OPP	91112586	Miguel Torres, S.A. v. Bodegas Muga S.A.	Seeherman Walters Drost*	2(d)	Opposition Dismissed	"TORRES" [wines and brandy]; "MIGUEL TORRES" [brandy]; "GRAN TORRES" (and design) [liqueur]; "TORRES" (and design) [brandy and wine]; "TRES TORRES" (in stylized format) [brandy]; "MIGUEL TORRES" [wines]; "TRES TORRES" [brandy]; "GRAN TORRES" [liqueurs]; "LAS TORRES" [wines]	"TORRE MUGA" (and design) [wines]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member